



~~April 17, 2007 CPC~~
~~June 19, 2007 CPC~~
~~August 21, 2007 CPC~~
October 16, 2007 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0282
(AMENDED)

Lucas Properties, LLC

Midlothian Magisterial District
Robious Elementary; Robious Middle; and James River High Schools Attendance Zones
South line of Robious Road

REQUEST: (AMENDED) Rezoning from Residential (R-40) to Residential (R-15).

PROPOSED LAND USE:

A single family residential subdivision is proposed with a maximum of sixteen (16) lots, yielding a density of approximately 1.32 dwelling units per acre.

(NOTE: IN ORDER FOR THE PLANNING COMMISSION TO CONSIDER THIS REQUEST AT THEIR OCTOBER 16, 2007, PUBLIC HEARING A \$250.00 DEFERRAL FEE MUST BE PAID.)

RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land use conform to the Northern Area Plan which suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre.
- B. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital

facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

- (NOTES:
- A. THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.
 - B. IT SHOULD BE NOTED THAT AMENDMENTS TO THE PROFFERED CONDITIONS WERE NOT RECEIVED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES".THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE AMENDMENTS.)

PROFFERED CONDITIONS

1. Lot Size. Lots shall have a minimum area of 20,000 gross square feet and a minimum lot width of 120 feet. (P)
2. Density. The maximum density of this development shall not exceed sixteen (16) dwelling units. (P)
3. Foundations. All exposed portions of the foundation and exposed piers supporting front porches of each dwelling unit shall be faced with brick or stone veneer. (P & BI)
4. Vinyl Siding. Vinyl siding shall be prohibited. (P & BI)
5. Utilities. Public water and wastewater systems shall be used. (U)
6. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
 - a.) Prior to the issuance of a building permit for each dwelling unit, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvement within the service district for the property.
 - i. If payment is made prior to July 1, 2007, \$15,600.00 per dwelling unit. At time of payment, the \$15,600.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation,

\$348.00 for library facilities, \$8,915.00 for roads, and \$404.00 for fire stations, and \$5,331.00 for schools; or

- ii. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit pro-rated as set forth in Proffered Condition 6.a.i. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
 - iii. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - iv. Impact fees. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B & M)
7. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
8. Burning Ban. The developer shall not use burning to clear or timber the subject properties. (EE)
9. Road Improvements.
- a.) In conjunction with the initial development of the property, additional pavement shall be constructed along Robious Road at the Corner Rock Road intersection to provide a separate right turn lane. The developer shall dedicate to Chesterfield County, free and unrestricted, any right-of-way (or easements) required for this improvement.
 - b.) In the event the developer is unable to acquire any “off-site” right-of-way that is necessary for the improvements described above, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the “off-site” right-of-way, the developer shall be relieved of the obligation to acquire the “off-site” right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
10. Access. No direct vehicular access shall be provided from the property to Robious Road. (T)

11. Geotechnical Report. A geotechnical report prepared by a consultant who has had previous mining/geotechnical experience in reclamation of mine shafts, shall be submitted to the Environmental Engineering Department in conjunction with any plan submission. Upon review by Environmental Engineering, or their designee, the report may either be accepted or revisions requested and, if revisions are requested, resubmitted in the same manner for review and acceptance by Environmental Engineering, or their designee. The report shall include, but not be limited to, the following:
 - a.) The location and analysis to include, but not be limited to, type (e.g., mine entrance shaft, air vents, unsuccessful exploratory pits, etc.), size, and depth of any mining pits or tailing heaps;
 - b.) Fill-in/reclamation procedures; setbacks between the perimeter of any shaft; and any other safety measures intended to protect the health, safety and welfare of people and structures;
 - c.) The impact of any horizontal shafts on construction and future health, safety and welfare issues;
 - d.) The location and number of soil borings and depth necessary to confirm that the building site is not impacted by any horizontal shafts; and
 - e.) The allowable building envelopes and location based on the geotechnical recommendations.
 - i. Development shall comply with the recommendations of the accepted report.
 - ii. All former mining activity shall be filled in/reclaimed under the direction of a consultant who has had previous mining/geotechnical experience in reclamation of mine shafts. All reclamation shall be observed by the geotechnical expert and shall be certified as to compliance with the recommendations established in the accepted report. Prior to the release of any building permit, a copy of the certification shall be submitted to Environmental Engineering. (EE)
12. House Size. All dwellings shall have a minimum of 2000 gross square feet. (BI & P)
13. Driveways. All private driveways serving residential uses shall be hardscaped. The exact treatment shall be approved at the time of plan review. (P)
14. Restrictive Covenants. The following shall be contained in restrictive covenants which shall be recorded in conjunction with the recordation of any subdivision plat.
 - a.) The following provisions in the restrictive covenants cannot be modified or amended for a period of at least twenty (20) years following recordation.

- b.) Any residential accessory building shall be architecturally compatible with respect to materials, colors, or other architectural features with the residential dwelling located on the lot. Exposed walls shall not be constructed of metal.
- c.) Any exposed surface of a chimney must be masonry.
- d.) All residential dwelling units shall have an attached garage containing a minimum of 200 gross square feet.
- e.) Any propane tanks shall be screened from view of adjacent residential lots and public roads. Screening treatment shall be compatible with the architectural treatment, colors and materials of the dwelling on the lot. (P)

GENERAL INFORMATION

Location:

South line of Robious Road, west of Corner Rock Road and west line of Corner Rock Road, south of Robious Road. Tax Ids 734-717-9054 and 735-717-1268, 1405 and 2943.

Existing Zoning:

R-40

Size:

12.1 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North, East and West - R-40; Single family residential or vacant
South - R-40 & R-15; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along the north side of Robious Road, opposite this site. In addition, a sixteen (16) inch water line extends along Corner Rock Road, adjacent to this site. Use of the public water system is intended and has been proffered (Proffered Condition 5). Per Utilities Department Design Specifications (DS-21), wherever possible, two (2) supply points shall be provided for subdivisions containing more than twenty-five (25) lots. To provide the additional water feed for this site, connection to

the sixteen (16) inch water line in Robious Road and the sixteen (16) inch water line in Corner Rock Road will be required with this development.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector line serving Roxshire Subdivision, Section 5 that extends along a portion of Corner Rock Road and terminates approximately 685 feet south of this site. There are additional eight (8) inch wastewater collector lines extending along Framar Drive, and Olde Queen Terrace approximately 500 feet southwest of the request site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 5)

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains through adjacent subdivisions via storm sewer to tributaries of Falling Creek. The property is partially wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering and the appropriate devices have been installed. This will ensure adequate erosion control measures are in place prior to any land disturbance. (Proffered Condition 7)

There are no known on-site drainage or erosion problems and none are anticipated after development. There are currently no off-site drainage or erosion problems; however, both Roxshire and Charter Woods subdivisions, through which this property drains, had the storm sewers designed on the assumption that these parcels would develop with R-40 sized lots. Therefore, there is a very high probability that the existing storm sewers both in Charter Woods and Roxshire are inadequate. Further, it appears that any runoff that drains to the west through Charter Woods that off-site easements will be necessary. This determination will be made at the time of plan review.

Prior Mining Activity:

There is known mining activity in the area that needs to be investigated by a geotechnical engineer with mining reclamation experience. (Proffered Condition 11)

PUBLIC FACILITIES

The need for schools, parks, libraries, fire stations and transportation facilities is identified in the County's adopted Public Facilities Plan, Thoroughfare Plan and Capital Improvement Program and further detailed by specific departments in the applicable section of this request analysis.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5) existing stations. Based on sixteen (16) dwelling units, this request will generate approximately five (5) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 6)

The Bon Air Fire Station, Company 4, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately eight (8) (Elementary: 3, middle: 2 and High: 3) students will be generated by this development. Currently, this site lies in the Robious Elementary School attendance zone: capacity - 756, enrollment - 647; Robious Middle School: capacity: 1,148, enrollment - 1,259; and James River High School: capacity - 2,050, enrollment - 2,065. The enrollment is based on September 29, 2006, and the capacity is as of 2006-2007.

This request will have an impact on schools. There are currently thirteen (13) trailers at Robious Middle. This case, combined with other tentative residential developments and zoning cases in the zones, would continue to push these schools to capacity. This case would necessitate some form of relief in the future. The applicant has offered measures to assist in addressing the impact of the development on schools. (Proffered Condition 6)

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed countywide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Development of this property would most likely affect the existing Bon Air and Midlothian Libraries. The Plan identifies a need for additional library space to serve this area of the county and recommends a new library in the Robious Road corridor from Huguenot Road to James River Road. The applicant has offered measures to assist in addressing the impact of this development on library facilities. (Proffered Condition 6)

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites. The applicant has offered measures to assist in addressing the impact of this proposed development on these parks and recreational facilities. (Proffered Condition 6)

Transportation:

The applicant is requesting rezoning of the property (12.1 acres) from Residential (R-40) to Residential (R-15). The applicant has proffered a maximum density of sixteen (16) dwelling units (Proffered Condition 2). Based on residential trip rates, development could generate approximately 200 average daily trips. These vehicles will be initially distributed, via Corner Rock Road, along Robious Road. Based on the most recent data from the Virginia Department of Transportation (VDOT), Robious Road between Old Gun Road and Salisbury Road was carrying 22,488 vehicles per day (VPD) in 2005. The capacity of this four-lane section of Robious Road is acceptable (Level of Service B) for the volume of traffic it currently carries.

The Thoroughfare Plan identifies Robious Road as a major arterial. Access to major arterials, such as Robious Road, should be controlled. In order to minimize the number of accesses to Robious Road, the applicant has proffered that no direct vehicular access will be provided from the property to Robious Road (Proffered Condition 10). The Master Plan proposes that access to Robious Road will be provided via Corner Rock Road.

The traffic impact of this development must be addressed. The applicant has proffered to construct, with initial development of the property, a right turn lane along Robious Road at the Corner Rock Road intersection (Proffered Condition 9). To construct this turn lane, the developer may need to acquire some “off-site” right of way from the property owner along Robious Road, just west of the Corner Rock Road intersection. According to Proffered Condition 9, if the developer is unable to acquire the off-site right of way for the right turn lane, the developer may request the county to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the county chooses not to assist with the right-of-way acquisition, the developer will not be obligated to acquire the “off-site” right-of-way and will only be obligated to construct road improvements within available right-of-way. (Proffered Condition 9)

The Planning Commission Sidewalk Policy in the Subdivision Ordinance would typically require a sidewalk along the Robious Road property frontage, and probably extending to the Corner Rock Road intersection. At time of tentative subdivision plat

review, staff will evaluate the need for sidewalks and provide specific recommendations per the Sidewalk Policy.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this residential development. The applicant has proffered to provide cash, in an amount consistent with the Board of Supervisors' Cash Proffer Policy, towards mitigating the traffic impact of this development (Proffered Condition 6). As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No road improvement projects in this part of the county are included in the Six-Year Improvement Plan. A county bond project will widen Robious Road to a four-lane divided typical section from James River Road to Robious Forest Way, beginning in 2011.

The Virginia Department of Transportation's (VDOT) "Chapter 527" regulations, dealing with development Traffic Impact Study requirements, have recently been enacted. Staff has been meeting with VDOT to attempt to understand the process and the impact of the regulations. At this time, it is uncertain what impact VDOT's regulations will have on the development process or upon zonings approved by the county.

At time of tentative subdivision plat review, specific recommendations will be provided by staff regarding, among other things, providing a stub road right of way to the adjacent parcel to the west.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	16*	1.00
Population Increase	43.52	2.72
Number of New Students		
Elementary	3.73	0.23
Middle	2.08	0.13
High	2.70	0.17
TOTAL	8.51	0.53
Net Cost for Schools	85,568	5,348
Net Cost for Parks	9,664	604
Net Cost for Libraries	5,584	349
Net Cost for Fire Stations	6,480	405
Average Net Cost for Roads	143,072	8,942
TOTAL NET COST	250,368	15,648

*Based on a proffered maximum yield of sixteen (16) dwelling units (Proffered Condition 2). The actual number of units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' Policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 6)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Northern Area Plan which suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre.

Area Development Trends:

Surrounding properties are zoned Residential (R-40) and Residential (R-15) and are occupied by single family residential uses or are vacant. It is anticipated that single family residential development will continue in the area at densities suggested by the Plan.

Density and Lot Sizes:

Proffered Condition 2 would limit development of a maximum of sixteen (16) dwelling units, yielding a density of approximately 1.32 dwelling units per acre.

While the Residential (R-15) Zoning District standards would permit lots to have a minimum area of 15,000 square feet and a minimum lot width of 100 feet, lots within this development would have a minimum area of 20,000 square feet and a minimum lot width of 120 feet. (Proffered Condition 1)

Dwelling Sizes and Architectural & Surface Treatments:

Proffered conditions establish minimum house sizes and foundation treatments, prohibit vinyl siding and require all driveways to be hardscaped. (Proffered Condition 3, 4, 12 and 13)

Restrictive Covenants:

Proffered condition 14 requires restrictive covenants to be recorded in conjunction with the recordation of any subdivision plat. It is important to note that the County will only ensure that the covenants are recorded. Once they are recorded, they may be changed.

CONCLUSIONS

The proposed zoning and land use conform to the Northern Area Plan which suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre.

The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Planning Commission Meeting (4/17/07):

At the request of the applicant, the Commission deferred this case to their June 19, 2007, public hearing.

Staff (4/18/07):

The applicant was advised in writing that any new or revised information should be submitted no later than April 23, 2007, for consideration at the June 19, 2007, public hearing. In addition, the applicant was advised that a \$250.00 deferral fee must be paid prior to the June meeting.

Applicant (4/19/07):

Revisions to the proffered conditions were submitted.

Applicant (4/26/07):

The deferral fee was paid.

Planning Commission Meeting (6/19/07):

At the request of the applicant, the Commission deferred this case to their August 21, 2007, public hearing.

Staff (6/20/07):

The applicant was advised in writing that any new or revised information should be submitted no later than June 25, 2007, for consideration at the August 21, 2007, public hearing. In addition, he applicant was advised that a \$250.00 deferral fee must be paid prior to the August meeting.

Applicant (7/6/07):

The deferral fee was paid.

Applicant (7/13/07, 7/19/07 and 7/20/07):

The application was amended and revised proffers were submitted.

Planning Commission Meeting (8/21/07):

At the request of the applicant, the Commission deferred this case to October 16, 2007.

Staff (8/22/07):

The applicant was advised that any significant new or revised information should be submitted no later than August 27, 2007, for consideration at the Commission's October public hearing. The applicant was also advised that a \$250.00 deferral fee was due.

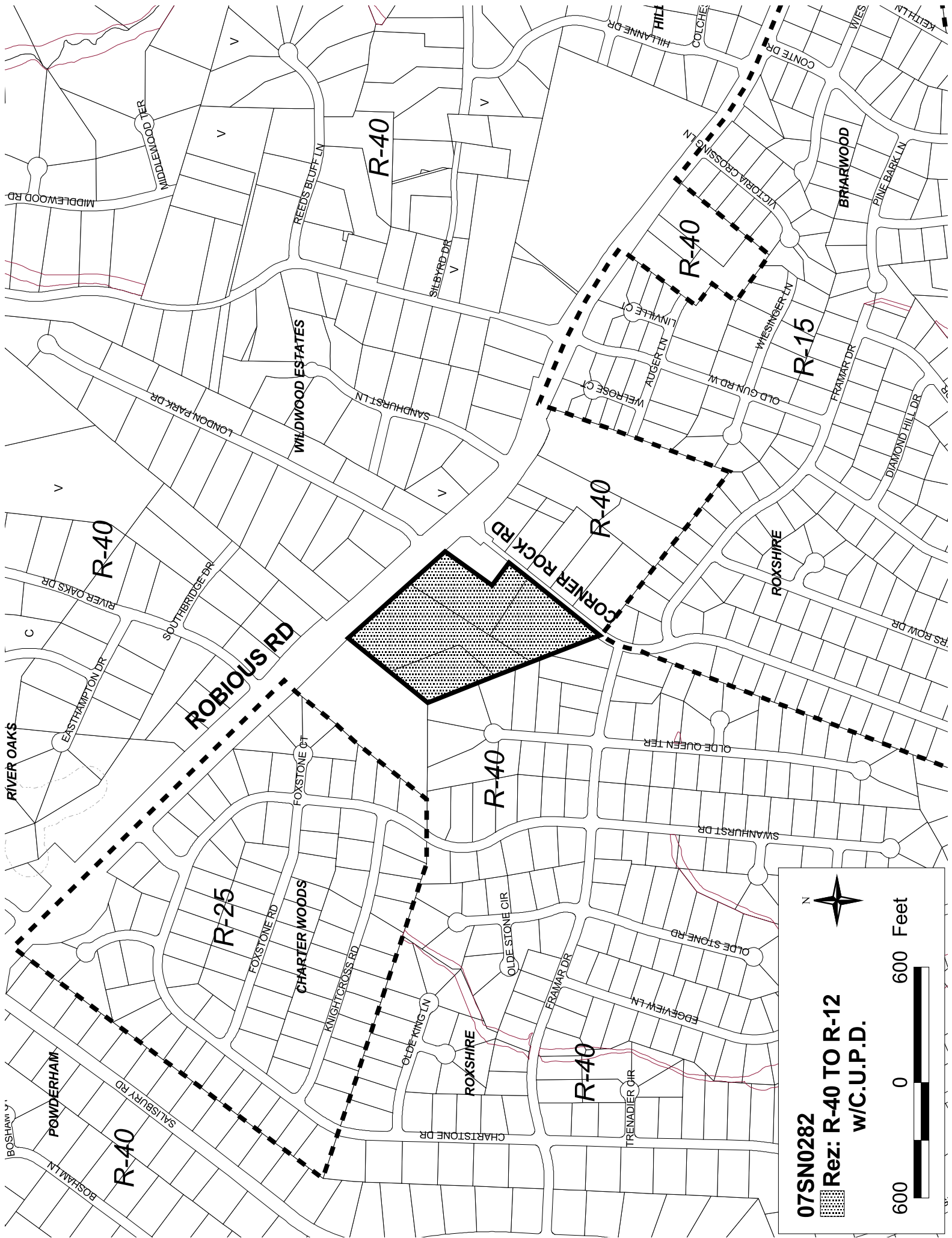
Applicant (10/2/07):

Revised proffered conditions were submitted.


Staff (10/3/07):


To date, the deferral fee has not been paid.

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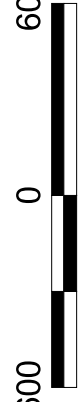


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